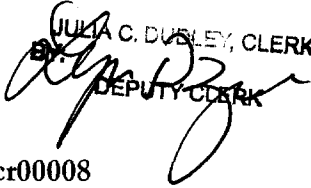


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

SEP 24 2015

JULIA C. DUSLEY, CLERK
BY  DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

MARK ANTHONY ROME ELLIOTT

)
) Case No. 5:15cr00008
) Case No. 5:02cr30031
)
)
) By: Hon. Michael F. Urbanski
) United States District Judge
)

ORDER

This matter was referred to the Honorable James G. Welsh, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(3), for the purpose of conducting a plea hearing and colloquy under Rule 11 of the Federal Rules of Criminal Procedure and preparing a report setting forth appropriate findings of fact and recommendations as to the acceptance of the plea tendered.

The magistrate judge held a plea hearing on August 27, 2015, at which time defendant Mark Anthony Rome Elliott entered a plea of guilty to Count One of the indictment in case number 5:15cr00008, and admitted to a Grade A violation of his supervised release in case number 5:02cr30031 for the same conduct, pursuant to a written plea agreement under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. On September 3, 2015, the magistrate judge issued a report recommending the court accept defendant's plea of guilty and admission of the supervised release violation. No objections to the report and recommendation have been filed.

The court has reviewed the report, the amended plea agreement and the statement of facts, and concludes that the findings of fact set forth on page 10 of the magistrate judge's report are fully supported by the record. As such, those findings of fact are accepted by the court. Specifically, the court finds that defendant Mark Anthony Rome Elliott is fully competent and capable of entering an informed guilty plea and admission, and that his plea of guilty to Count One of the indictment and

admission to the Grade A supervised release violation are knowing and voluntary and supported by an independent basis in fact as to the essential elements of the offense.

The magistrate judge recommends the court accept defendant's guilty plea and admission of the Grade A supervised release violation. Because they are made pursuant to a binding plea agreement under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, however, the court will defer acceptance of the guilty plea and supervised release violation admission, as well as the amended plea agreement, pending receipt and review of the Presentence Report and evidence and argument to be presented at the Sentencing Hearing scheduled for December 16, 2015 at 11:00am.

As such, the guilty plea, supervised release violation admission, and amended plea agreement are hereby **TAKEN UNDER ADVISEMENT** until sentencing.

It is so **ORDERED**.

Entered:

09-24-15

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge